

Remarks

The present response is to the Office Action mailed in the above referenced case on April 03, 2008. Claims 32-41 are standing for examination.

Rejection under 35 U.S.C. 103(a)

Claims 32-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder et al. (hereinafter Reeder) U.S. Patent 5,852,812 in view of Dent et al. (hereinafter Dent) U.S. Patent 6,128,603 in further view of Making the Smart Investment In Personal Finance Software, Working At Home (hereinafter Working At Home).

Examiner's rejection

Regarding claims 32 and 37, Reeder teaches a billing system for a network, comprising:

- a first enterprise hosing integrated transaction services provided for scraping and aggregating personal information (PI) specific to an end user, and providing PI and transaction services to the end user (column 4, line 65 thru column 6, line 8 and column 9, line 55 thru column 10, line 22);

- a second enterprise maintaining at least one financial account specific to the end user in which the end user has a monetary balance (column 4, line 65 thru column 6, line 8 and column 9, line 55 thru column 10, line 22);

- a third enterprise maintaining a billing account specific to the end user (column 4, line 65 thru column 6, line 8 and column 9, line 55 thru column 10, line 22) and

Reeder also teaches interactive software programs provided by the first enterprise and executable on an end user appliance for the billing system (column 4, line 65 thru column 5, line 5 and column 6, line 20 thru column 7, line 41). Reeder fails to teach at least one indication representing the user's financial account, and at least one indication representing at least one bill associated with a billing account on which a balance is owed

and instructing the first enterprise to pay the bill using funds from the financial account by dragging the indication of the account to the indication of the bill.

Dent teaches a consumer based system and method for managing and paying electronic billing statements in which there exists at least one indication representing a user's financial account (column 3, lines 38-44) and at least one indication representing at least one bill associated with a billing account for which a monetary balance is owed by the user (column 7, line 56 thru column 8, line 2). Dent further teaches instructing bill payment by dragging the indication of the bill to the account (column 8, lines 36 thru column 9, line 20 and Figure 7). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Reeder to include the drag and drop teachings of Dent since both Reeder and Dent teach account management specifically with billing and it specifies a method for an active interaction method of bill payment that keeps the customer informed of their billing information.

Reeder and Dent fail to teach dragging the account to the bill. Working At Home teaches personal finance software that helps to manage finances by keeping track of bank accounts, credit card accounts, expenses, taxes and income (page 2, top). One software discussed, Kiplinger's CA-Simply Money contains drag and drop buttons that allow a user to drag their checking account button and drop it on the electric company button to pay the electric bill (page 7, middle). This software therefore teaches dragging the account to the bill. Working At Home further teaches that buttons can be created for a plurality of accounts including bank accounts and credit card accounts, such as checking, savings, credit card and money market accounts (page 7, third paragraph under Kiplinger's heading). The buttons allow for performing basic finance tasks, liking scheduling payments and allow for bill payment by using a bill payment service (page 7, sixth paragraph under Kiplinger's heading). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of

Reeder in view of Dent to include the teachings of Working At Home because it allows for the payment of bills by manipulating a graphical user-interface similar to Dent. Since only one account is required in the claim, it would be obvious to one of ordinary

skill in the art that dragging the account to the bill, or the bill to the account are obvious modifications since they accomplish the same instructions for payment.

Applicant's response

Applicant herein amends the independent claims to specifically recite, "generating an instruction to the first enterprise to pay a bill using at least one of the financial accounts by dragging the indication of the financial account to the indication of the bill or by dragging an indication of the bill to the indication of the financial account."

Applicant argues that the Examiner's interpretation of the teachings of Reeder fail to teach a first enterprise, second enterprise and third enterprise, as claimed. Reeder also fails to teach scraping and aggregating personal information specific to a user, as claimed. Applicant points out that Reeder provides a service for billing customers for Internet use and other services, such as file download. As clearly seen in Fig. 1 of Reeder and the accompanying text of the disclosure of Reeder, all application servers, gateways and content providers are integrated into one system controlled by the host data center. When a customer accesses a service in the network an event object is generated and stored locally in the network and copied to other entities in the network for processing (col. 4, lines 12-15; col. 5, lines 5-10).

FIG. 3 of Reeder shows a detailed view of the flow of data between the gateway 12, application server 100, event collector 102, database server 104, billing server 108 and marketing analysis server 106. As is shown, data flows from the gateway 12 to the application server 100 as an interprocess communication pipe between these systems is opened. Applicant argues that event objects are created in Reeder's system locally at the service provider (gateway or application) when customers access various services to be billed by the host data center, event objects are created and flow or are copied to the event collector (col. 7, lines 13-32). Therefore, it is clearly seen in the art of Reeder that there is no facility for, or motivation provided for a first enterprise hosting integrated transaction services for scraping and aggregating personal information (PI) specific to an end user, and providing PI and transaction services to the end user. All

data used for billing customers in Reeder's system is pushed to the event collector, or at least provided in a local database for easy retrieval.

Further, the event objects as taught in Reeder cannot read on the PI as taught and claimed in applicant's invention. Personal information is not scraped and provided to customers in the art of Reeder, as claimed in applicant's invention. The extent of personal information taught in Reeder is the creation of an event object in response to a customer causing an event which needs to be billed, i.e. accessing Internet via gateway 12.

Applicant argues that the only enterprise mentioned in Reeder that is not proprietary or part of the main billing enterprise (first enterprise) is the CC Bank. The system of Reeder has a dedicated connection to this bank for collecting funds from customers' CC accounts for billed services. Applicant argues that there is no third enterprise taught in the art of Reeder. The Examiner references the exact same portion of Reeder to teach applicant's claimed first, second and third enterprise, with no further explanation from the Examiner.

The Examiner states that Reeder fails to teach at least one indication representing the user's financial account, and at least one indication representing at least one bill associated with a billing account on which a balance is owed and instructing the first enterprise to pay the bill using funds from the financial account by dragging the indication of the account to the indication of the bill. The Examiner relies upon Dent to teach said claim limitation.

Applicant argues that the main reason Reeder fails to teach said indications is because there is no teaching in Reeder of an third enterprise providing at least one bill associated with a billing account on which a balance is owed. Therefore, a combination between Reeder and Dent cannot be made to read on applicant's claimed limitation reciting, "at least one indication representing the user's financial account, and at least one indication representing at least one bill associated with a billing account on which a balance is owed and instructing the first enterprise to pay the bill using funds from the financial account by dragging the indication of the account to the indication of the bill"

There is no motivation found in the art to make the combination as espoused by the Examiner.

The Examiner admits that both Reeder and Dent fails to teach dragging the account to the bill. Applicant's independent claims, as amended, recite that the user, through interaction with the GUI, instructs the first enterprise to pay the bill using funds from the financial account by dragging the indication of the financial account to the indication of the bill or by dragging the indication of the bill to the indication of the financial account. The Examiner relies upon Working At Home to teach said limitation.

Applicant has previously argued that the art of Dent and Working at Home are desktop programs which are not capable of instructing financial accounts to pay billing accounts automatically by software, online, as claimed in applicant's invention. The electronic bills received in dent have remittance information (direct debit) when the user pays the bill, the biller debits the account on file at the biller. Therefore, there would be no motivation for one with skill in the art to incorporate their teachings to accomplish applicant's claimed invention because the programs are not capable of instructing financial institutions as a result of drag and drop operations. Dent teaches that the user pays billers as argued above and Working at Home performs an internal printing function at the desktop as a result of a drag and drop procedure.

The Examiner responds to the above argument stating; "The Examiner respectfully disagrees. As noted above, Working At Home teaches that the buttons allow for performing basic finance tasks, liking scheduling payments and allow for bill payment by using a bill payment service (page 7, sixth paragraph under Kiplinger's heading; Examiner notes that dragging a particular account and scheduling payment provides instruction, such as to the payment service through prodigy to pay the bill)."

Applicant points out that the Kiplinger's portion of Working At Home teaches that you can manipulate buttons or, if you are not comfortable with the button interface you can manually enter information on a check or in the register. Applicant points out that the buttons perform this manual task of recording events in a desktop accounting program. There is absolutely no teaching in Working At Home of instructing financial

institutions as a result of drag and drop operations, as claimed.

Applicant believes that claims 32 and 37, as amended and argued, are easily patentable over the art presented by the Examiner. There is no teaching or motivation in the art for generating an instruction to the first enterprise to pay a bill using at least one of the financial accounts by dragging the indication of the financial account to the indication of the bill or by dragging an indication of the bill to the indication of the financial account. In applicant's invention, as claimed, the instruction generated to financial accounts resulting from applicant's drag & drop procedure takes place in the same order as the procedure, the financial account is instructed to pay the biller when the financial account is dropped on the bill to be paid or the bill is dropped on the financial account. Claims 33-36 and 37-41 are patentable on their own merits, or at least as depended upon a patentable claim.

As all of the claims have been shown to be patentable over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this response, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
Gregg Freishtat et al.

By /Donald R. Boys/
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
3 Hangar Way, Suite D
Watsonville, CA 95076
831-768-1755